



House of Representatives

General Assembly

File No. 341

February Session, 2008

Substitute House Bill No. 5640

House of Representatives, April 1, 2008

The Committee on Planning and Development reported through REP. FELTMAN of the 6th Dist., Chairperson of the Committee on the part of the House, that the substitute bill ought to pass.

AN ACT CONCERNING ZONING ENFORCEMENT.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 8-12a of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2008*):

3 (a) Any municipality may, by ordinance adopted by its legislative
4 body, establish penalties for violations of zoning regulations adopted
5 under section 8-2 or by special act. The ordinance shall establish the
6 types of violations for which a citation may be issued and the amount
7 of any fine to be imposed thereby and shall specify the time period for
8 uncontested payment of fines for any alleged violation under any such
9 regulation. No fine imposed under the authority of this section may
10 exceed one hundred fifty dollars for each day a violation continues.
11 Any fine shall be payable to the treasurer of the municipality.

12 (b) The hearing procedure for any citation issued pursuant to this
13 section shall be in accordance with section 7-152c except that no zoning

14 enforcement officer, building inspector or employee of the municipal
15 body exercising zoning authority may be appointed to be a hearing
16 officer.

17 (c) Any zoning enforcement officer who issues a citation pursuant to
18 an ordinance adopted under this section shall be liable for [treble]
19 damages in any civil action if the court finds that such citation was
20 issued frivolously or without probable cause.

This act shall take effect as follows and shall amend the following sections:		
Section 1	October 1, 2008	8-12a

PD *Joint Favorable Subst.*

The following fiscal impact statement and bill analysis are prepared for the benefit of members of the General Assembly, solely for the purpose of information, summarization, and explanation, and do not represent the intent of the General Assembly or either chamber thereof for any purpose:

OFA Fiscal Note

State Impact: None

Municipal Impact:

Municipalities	Effect	FY 09 \$	FY 10 \$
All Municipalities	Cost Saving	Minimal	Minimal

Explanation

The bill reduces damages, from treble to single, for which zoning enforcement officers are liable under certain conditions. This will result in a cost savings to the extent that municipalities are responsible for paying such damages.

The Out Years

The annualized ongoing fiscal impact identified above would continue into the future subject to inflation.

OLR Bill Analysis

sHB 5640

AN ACT CONCERNING ZONING ENFORCEMENT.

SUMMARY:

The law allows municipalities to adopt ordinances for issuing up to \$150 fines for violating zoning regulations. The ordinance must specify the types of violations subject to fines and the amounts. Under current law, zoning enforcement officers are liable for treble damages for issuing fines frivolously or without probable cause. The bill reduces the officers' liability to actual, rather than treble, damages.

EFFECTIVE DATE: October 1, 2008

COMMITTEE ACTION

Planning and Development Committee

Joint Favorable Substitute

Yea 20 Nay 0 (03/12/2008)